

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Improved Rapid Subcloning Using Site-Specific Recombination**, the specification of which was filed on **07/24/98** as Application Serial No. **09/122,384**. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/864,224

02/28/98

Pending

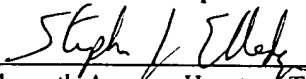
*Application Serial No.*

*Filing Date*

*Patented, Pending or Abandoned*

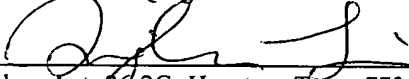
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: **Stephen J. Elledge**

Inventor's Signature:   
Residence: 2505 Wordsworth Avenue, Houston, Texas 77030  
Post Office Address: 2505 Wordsworth Avenue, Houston, Texas 77030

Date: 10/7/98  
Citizenship: United States of America

Full Name of Second Joint Inventor: **Qinghua Liu**

Inventor's Signature:   
Residence: 7900 Cambridge, Apt. 26-2G, Houston, Texas 77054  
Post Office Address: 7900 Cambridge, Apt. 26-2G, Houston, Texas 77054

Date: 10/7/98  
Citizenship: Peoples Republic of China

FEB 28 2001 16:33 FR VINSON &amp; ELKINS

512 495 8612 TO ##23275#91713798 P.02/05

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:  
ELLEDGE, et al.

Serial No.: 09/122,384

Filing Date: July 24, 1998

For: IMPROVED RAPID SUBCLONING  
USING SITE-SPECIFIC  
RECOMBINATION

Group Art Unit: 1636

Examiner: Yucel, I.

Atty. Dkt. No.: BAY136/4-010CIP  
(formerly BCM-03434)

**CERTIFICATE OF FACSIMILE**

I certify that this correspondence is being transmitted by  
facsimile to the Patent and Trademark Office in  
accordance with 37 C.F.R. §1.6(d).

Date

Timothy S. Corder

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Willem G. Schuurman (Reg. No. 29,998); Gregory L. Porter (Reg. No. 40,131); Andrew G. DiNovo (Reg. No. 40,115); Minh-Hien Nguyen (Reg. No. 37,294); Adam V. Floyd (Reg. No. 39,192); Timothy S. Corder (Reg. No. 38,414); Brian K. Buss (Reg. No. 42,375); Tracey B. Davies (Reg. No. 44,644); Stephen J. Moloney (Reg. No. 44,947); David B. Weaver (Reg. No. 43,244); Margaret A. Sampson (Reg. No. 47,052); Douglas W. McClellan (Reg. No. 41,183); Steven R. Borgman (Reg. No. 33,160); W. Scott Brown (Reg. No. 32,968); Barry E. Engel (Reg. No. 37,127); Stuart J. Ford (Reg. No.

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512 495 8612 TO ##23275#91713798 P.03/05

37,486); Stephen S. Hodgson (Reg. No. 41,075); William L. LaFuze (Reg. No. 27,205); Gerald D. Malpass, Jr. (Reg. No. 40,079); J. Clark Martin (Reg. No. 26,198); Peter E. Mims (Reg. No. 32,429); W. Ronald Robins (Reg. No. 26,222); Karen Tucker White (Reg. No. 34,267); Barry Bumgardner (Reg. No. 38,397); and G. Harvey Dunn III (Reg. No. 31,102) each a member, an associate or an employee of the firm of VINSON & ELKINS L.L.P., for so long as they remain with such firm, as attorney or agent, to act on Applicant's behalf before the United States Patent Office in connection with the captioned application.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to BAYLOR COLLEGE OF MEDICINE, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Timothy S. Corder  
VINSON & ELKINS L.L.P.  
2300 First City Tower  
1001 Fannin Street  
Houston, Texas 77002-6760

ASSIGNEE:

BAYLOR COLLEGE OF MEDICINE

By: W. Dalton Tomlin

Name: W. Dalton Tomlin

Title: Senior Vice President and General Counsel

Date: 3/2/01

ASSIGNMENT:

- ☐ Concurrently filed  
☒ Previously recorded

Date: October 27, 1998

Reel: 9551

Frame: 0919

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VINSON & ELKINS

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# Vinson & Elkins

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## FACSIMILE TRANSMITTAL PAGE

DATE: March 2, 2001

TO: GROUP 1600 RECEPTIONIST FAX: (703) 305-7401

COMPANY: USPTO - GROUP 1600 PHONE: (703) 308-0196

PAGES: 4 (including this transmittal page) CLIENT/MATTER: BAY136/4-010CIP

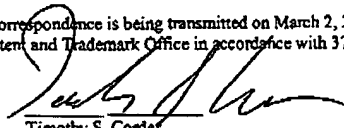
FROM: Timothy S. Corder

MESSAGE: US SN 09/122,384

### CERTIFICATE OF FACSIMILE

I certify that this correspondence is being transmitted on March 2, 2001, by facsimile to the Patent and Trademark Office in accordance with 37 C.F.R. §1.6(d).

March 2, 2001  
Date

  
Timothy S. Corder

### CONFIDENTIALITY NOTICE:

The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

HOUSTON AUSTIN BEIJING DALLAS LONDON MOSCOW NEW YORK SINGAPORE WASHINGTON, D.C.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FEBRUARY 22, 1999

PTAS

MEDLEN & CARROLL, LLP  
KAMRIN T. MACKNIGHT  
220 MONTGOMERY STREET, SUITE 2200  
SAN FRANCISCO, CALIFORNIA 94104



\*100869455A\*

RECEIVED

MAR 12 1999

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

MEDLEN & CARROLL

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/27/1998

REEL/FRAME: 9551/0919  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ELLEDGE, STEPHEN J.

DOC DATE: 10/07/1998

ASSIGNOR:

LIU, QINGHUA

DOC DATE: 10/07/1998

ASSIGNEE:

BAYLOR COLLEGE OF MEDICINE  
ONE BAYLOR PLAZA  
HOUSTON, TEXAS 77030

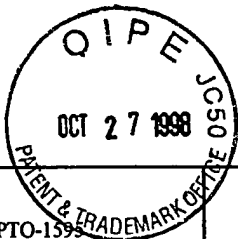
SERIAL NUMBER: 09122324  
PATENT NUMBER:

FILING DATE: 07/24/1998  
ISSUE DATE:

RECEIVED  
APR 16 1999

JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

PKD 10-21-98



11-04-1998

Form PTO-159



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ET	U.S. Department of Commerce Patent and Trademark Office
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To the Honorable Commissioner of P

Attached original documents or copy thereof.

<p>1. Name of conveying party(ies):  Stephen J. Elledge Qinghua Liu  Additional name(s) of conveying party(ies) attached? No</p>		<p>2. Name and address of receiving party(ies):  Baylor College of Medicine One Baylor Plaza Houston, Texas 77030  Additional name(s) &amp; address(es) attached? No</p>	
<p>3. Nature of conveyance:  Assignment  Execution Date: October 7, 1998</p>			
<p>4. Title of Invention: <b>Improved Rapid Subcloning Using Site-Specific Recombination</b> Application number(s) or patent number(s):  A. Patent Application No.(s):  09/122,384  B. Patent No.(s):   Additional numbers attached? No</p>			
<p>5. Name and address of party to whom correspondence concerning document should be mailed:  Kamrin T. MacKnight MEDLEN &amp; CARROLL, LLP 220 Montgomery Street, Suite 2200 San Francisco, California 94104</p>		<p>6. Total number of applications and patents involved: 1</p> <p>7. Total fee(s):  Check(s) in the amount of \$105.00 enclosed (\$65.00 for missing parts fee and \$40.00 for recordation).</p> <p>8. Deposit Account Authorization:  The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.</p>	

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<p>9. Statement and Signature:  <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  Date: <u>October 23, 1998</u>  Signature: <u><i>Kamrin T. MacKnight</i></u> Name: <u>Kamrin T. MacKnight</u> Reg. No.: <u>38,230</u></p>	
<p>Total number of pages including cover sheet, attachments, and document: 4</p>	

## ASSIGNMENT

WHEREAS, WE, STEPHEN J. ELLEDGE, a citizen of United States of America, residing at 2505 Wordsworth Avenue, Houston, Texas 77030, and QUINGHUA LIU, a citizen of Peoples Republic of China, residing at 7900 Cambridge, Apt. 26-2G, Houston, Texas 77054 (herein called "Assignors") are the co-inventors of a certain new and useful invention entitled "IMPROVED RAPID SUBCLONING USING SITE-SPECIFIC RECOMBINATION" (herein called the "Invention");

Filing Date: 07/13/98 Serial No.: 09/114,443

WHEREAS, Assignors are College Personnel of BAYLOR COLLEGE OF MEDICINE, a non-profit corporation duly organized and existing under and by virtue of the laws of the State of Texas, and having a principal place of business at Texas Medical Center, One Baylor Plaza, Houston Texas 77030 (herein called "Assignee");

WHEREAS, Assignors represent that they are the sole and only inventors of the Invention and that the Invention was made, conceived and/or reduced to practice while Assignors were serving in their position of College Personnel of Assignee;

WHEREAS, Assignee is desirous of acquiring and Assignors are desirous of assigning to Assignee all rights to said Invention under the terms and provisions of the policy on Inventions and Patents adopted by the Board of Trustees of Baylor College of Medicine (Baylor's Patent Policy);

WHEREAS, Assignors acknowledge that they are assigning their right as part of their obligation as College Personnel and their use of facilities of Assignee to make the Invention;

NOW, THEREFORE, Assignors, for and in consideration of the benefits to be accorded including payments to be made to Assignors under Baylor's Patent Policy and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby SELL, ASSIGN, and CONVEY unto Assignee, under the terms and conditions of Baylor's Patent Policy all of Assignors' rights throughout the world in and to:

1. Said Invention;
2. United States of America patent application on said Invention filed concurrently;
3. All applications for patent or like protection on said Invention that have now been or may in the future be filed by Assignor or his/her legal representatives, whether in the United States of America or any other country or place anywhere in the world;
4. All patents and like protection that have now been or may in the future be granted on said Invention to Assignor or his/her legal representatives, whether in the United States of America or in any other country or place in the world;
5. All substitutions for and divisions, continuations, renewals, reissues, extension, and the like of said applications and patents and like grants, including without limitation, those obtained or permissible under past, present and future law or statutes;
6. All rights of action on account of past, present and future unauthorized use of said Invention and for infringement of said patents and like protection;
7. The right to Assignee to file in its name applications for patents and like protection for said Invention in any country or countries foreign to the United States; and
8. All international rights of priority associated with said Invention, applications, patents and like protection.

Assignors covenant that Assignors, their heirs, legal representatives, assigns, administrators, and executors will, at the expense of Assignee, its successors and assigns, execute all papers and perform such other acts as may be reasonably necessary to give Assignee, its successors and assigns, the full benefit of this Assignment.

The U.S. Commissioner of Patents and Trademarks is hereby requested to issue U.S. Letters Patent in accordance with this Assignment.

The Patent Offices throughout the world are requested to issue Letters Patent in accordance with this Assignment.

EXECUTED on the date indicated below opposite my signature.

Date: 10/07/98

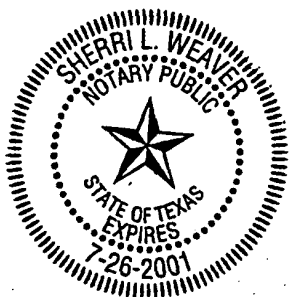
By: Step J Elledge  
STEPHEN J. ELLEDGE

Date: 10/7/98

By: Quinghua Liu  
QUINGHUA LIU

This instrument was acknowledged by Sherril Weaver on the 7<sup>th</sup> day of October, 1998.

Sherril L. Weaver  
Notary Public





## CONFIRMATION OF ASSIGNMENT

Confirmation of Assignment by Howard Hughes Medical Institute (the "Institute") to Baylor College of Medicine (the "University"), through Dr. Stephen Elledge, an investigator employed by the Institute.

WHEREAS, the Institute and the University collaborate in the active conduct of medical research pursuant to a Collaboration Agreement between them dated as of November 11, 1986 (the "Collaboration Agreement");

WHEREAS, pursuant to the Collaboration Agreement, the Institute has agreed to assign to the University the Institute's rights with respect to inventions, discoveries, improvements, and other intellectual property, whether patentable or copyrightable (each a "subject property"), conceived or reduced to practice in the course of the research program conducted under the Collaboration Agreement by employees of the Institute;

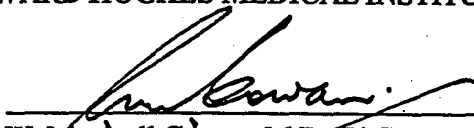
WHEREAS, research conducted pursuant to the Collaboration Agreement by Dr. Elledge while employed at the University by the Institute resulted in the invention of a certain subject property entitled "Rapid Subcloning Using Site-Specific Recombination," with respect to which a patent application, serial no. 08/864,224, was filed on February 28, 1997 (the "Invention"); and

WHEREAS, in connection with the pursuit of the patent application, it is desirable to confirm that the Institute's rights in the Invention have been validly assigned to the University by and through the assignment of Dr. Elledge dated September 17, 1997.

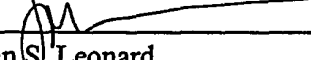
NOW, THEREFORE, the Institute hereby confirms that the Institute's rights in the Invention have been validly assigned to the University by and through the assignment of Dr. Elledge dated September 17, 1997.

Executed October 31, 1997.

HOWARD HUGHES MEDICAL INSTITUTE

By:   
W. Maxwell Cowan, M.D., Ph.D.  
Vice President and Chief Scientific Officer

ATTESTED:

By:   
Joan S. Leonard  
Vice President and General Counsel and Secretary

BCM-02681  
HHMI 015321-97-00930